

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7236

BILL NUMBER: SB 320

NOTE PREPARED: Apr 1, 2003

BILL AMENDED: Feb 20, 2003

SUBJECT: Identity Theft.

FIRST AUTHOR: Sen. Clark

FIRST SPONSOR: Rep. Mahern

BILL STATUS: As Passed - House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) The bill specifies that a person's address, telephone number, place of employment, employer identification number, and mother's maiden name constitute identifying information for purposes of the identity theft statute. It provides that a person commits identity theft if the person acts with intent to assume another person's identity or profess to be another person and it allows the trial court, upon motion during or after the sentencing of a person, to issue an order describing the victims of a crime of deception, and permits this order to be used in correcting a person's credit history. The bill also makes technical corrections.

Effective Date: July 1, 2003.

Explanation of State Expenditures: Under current law, identity deception is a Class D felony. The bill would add assuming another person's identity and professing to be another person to the definition of the crime, and would add a person's address, place of employment, employer identification number, mother's maiden name, and a telephone number to the definition of identifying information that constitutes the crime. There are no data available to indicate how many more offenders may be convicted of this crime based on these changes.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all

Class D felony offenders is approximately ten months.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

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